

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

WILLIE DAVIS, JR.,
NATHANIEL BRIDDELL,
GEORGE W. FEDDIMAN,
JOSEPH GARRISON,
Plaintiffs,

-vs-

C.A. No. 04-0414

MOUNTAIRE FARMS, INC.,
MOUNTAIRE FARMS OF
DELMARVA, INC., and
MOUNTAIRE FARMS OF
Defendants.

Deposition of JOSEPH GARRISON, taken before
Pamela C. Washington, Registered Professional Reporter
and Notary Public, at the law offices of Young,
Conaway, Stargatt & Taylor, 110 West Pine Street,
Georgetown, Delaware, on January 14, 2005, beginning
at 10:00 a.m.

APPEARANCES:

On behalf of the Plaintiffs:
Margolis Edelstein
BY: JEFFREY K. MARTIN
and KERI L. WILLIAMS, ESQ.
1509 Gilpin Avenue
Wilmington, Delaware 19806

On behalf of the Defendants:
Shawe Rosenthal
BY: ARTHUR M. BREWER, ESQ.
and LAURA A. PIERSON SCHEINBERG, ESQ.
20 South Charles Street 11th Floor
Baltimore, Maryland 21201

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P.O. Box 99 Milford, Dela

A00366

Garrison - Brewer

1 Q At Mountaire? When did you receive
2 that certification?

3 A I guess its been like three years ago,
4 somewhere like that.

5 Q How long have you worked for Mountaire?

6 A Eight years.

7 Q Eight years?

8 A Eight. I think it was eight. Or
9 seven, I believe it -- it was going on eight, it was
10 going on eight.

11 Q It was going on eight?

12 A Yeah.

13 Q And when you first became employed with
14 Mountaire, what job did you have?

15 A I was catcher, I was a catcher.

16 Q You were a catcher? Approximately how
17 long after you became a catcher did you receive your
18 forklift certification?

19 A After I was a catcher, I was -- after I
20 was a catcher, a senior catcher, I was a crew leader.

21 Q Let me see if I understand what you're
22 telling me. You were hired as a catcher?

23 A Right.

24 Q And then you went right from a catcher
25 to a crew leader?

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(3

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Milford, Delaware 19903

A00367

Garrison - Brewer

1 A Yes.

2 Q But you did receive a certification for
3 forklift operator?

4 A After I be a crew leader, then I
5 started learning how to drive forklift, then I receive
6 a forklift license.

7 Q Okay. So you were a catcher, then you
8 became a crew leader, and you got your certification
9 for forklift after you became a crew leader?

10 A Yes.

11 Q Are you sure of that?

12 A Yes.

13 Q Okay. I believe I asked you a series
14 of questions earlier, but just to be sure that I'm
15 understanding it, there's nothing about your current
16 state of physical health that's going to be a problem
17 with your deposition here today?

18 A No.

19 Q No?

20 A No, it's not.

21 Q All right. Are you or have you been
22 under any treatment with a physician or a medical
23 health care provider in the last five years?

24 A What do you mean? Say that again one
25 more time.

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A00368

Garrison - Brewer

1 resigned?

2 A What do you mean breaks?

3 Q Well, in other words, were you employed
4 for Mountaire continuously for the eight years?

5 A Yes.

6 Q You didn't --

7 A I didn't, no.

8 Q You didn't leave and then come back or
9 anything else?

10 A No.

11 Q So you were continuously employed?

12 A Yes.

13 Q Okay. And I believe you told me, just
14 to be sure, when about did you become a crew leader?

15 A It was -- let me see. I believe it was
16 in '99, 1999.

17 Q Okay. That's about six years ago then?

18 A Uh-huh.

19 Q When you became a crew leader, did you
20 consider that to be a promotion?

21 A Yes.

22 Q Now, you became a crew leader, you just
23 told me, in 1999, okay, I'll just make that note.

24 Would you tell us as a crew leader what you do?

25 A Yes. Well, I picked up the help, I

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A00369

Garrison - Brewer

1 picked up the help, stopping to the store, took them
2 to the farm, got the house ready. I had to watch out
3 for the drivers.

4 Q Now you say drivers, which drivers are
5 we talking about?

6 A Truck drivers.

7 Q Employed by whom?

8 A Mountaire.

9 Q And how were those drivers, how do you
10 describe those drivers?

11 A Okay, I had to watch how they parked,
12 watch how -- backing them up.

13 Q Let me rephrase the question to make
14 myself clear. When you say watch out for the drivers,
15 are you talking about the live haul drivers?

16 A Yes.

17 Q And for the record, I'll state that
18 live haul drivers are drivers who are employed by the
19 company who are CDL qualified who bring live chickens
20 that are caught on a farm to the plant for processing.

21 A Right.

22 Q If you have anything you'd like to add,
23 you may.

24 MR. MARTIN: No, that's fine.

25

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A00370

Garrison - Brewer

1 BY MR. BREWER:

2 Q All right. How many people are on your
3 crew?

4 A Seven.

5 Q Seven? Sometimes are there more?

6 A Well, at times we carry an extra man,
7 eight.

8 Q And sometimes are there less?

9 A Yes.

10 Q And why is there sometimes less?

11 A Because maybe sometimes you be
12 short-handed.

13 Q Okay. Do you manage that crew to catch
14 the chickens?

15 A Yes.

16 Q All right. The catchers that you
17 manage to catch the chickens, do you know if they're
18 covered by a contract with the union?

19 A Yes.

20 Q And that's referred to as a collective
21 bargaining agreement, is that term familiar to you?

22 A I don't understand.

23 Q The people who you manage, the catchers
24 that catch the chickens --

25 A Yeah.

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A00371

Garrison - Brewer

1 Q -- they are the members of a union, are
2 they not?

3 A Yes.

4 Q Okay. And they're covered by a
5 contract that the company has with that union?

6 A Yes.

7 Q Have you heard the term collective
8 bargaining agreement, is that a term that's familiar
9 to you? If it's not, you can just tell me.

10 A I don't know.

11 Q But you know they are covered by a
12 union contract?

13 A Yeah, I do know that.

14 Q And do you know what union that
15 contract is with?

16 A 355.

17 Q Of what local?

18 A Local 355.

19 Q Of the Teamsters Union?

20 A Teamsters, yeah.

21 Q All right. I don't want to put words
22 in your mouth.

23 A Yeah, I know, you know what I'm saying.

24 Q Now, in performing your duties as a
25 crew chief, have you ever had somebody who had very

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A00372

Garrison - Brewer

1 little experience catching chickens or no experience
2 working for you?

3 A Yes.

4 Q Okay. Did you have any role in showing
5 them how to go about doing what they needed to do?

6 A Yes.

7 Q What did you do?

8 A Well, I get down and show them how to
9 catch, how to use their hands, how to pick up the
10 chickens and how to put them in the cage.

11 Q Okay. When you get to a farm, do you
12 tell any of the catchers in your crew how to set the
13 farm up?

14 A Yes, we all did it together.

15 Q Okay. But you will tell some people to
16 do certain things?

17 A Yes.

18 Q What kinds of things would you tell a
19 member of your crew to do as you're getting ready to
20 catch the chickens in a farm?

21 A They have to crank up the waters.

22 Q Crank up the waters? Would you
23 describe for the purposes of this record that we're
24 making here today what that means?

25 A In chicken houses you have water

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A00373

Garrison - Brewer

1 drinkers, and we had to crank them up before you be
2 able to catch the chickens.

3 Q Okay, and would you tell somebody to do
4 that?

5 A Yes.

6 Q What else would you do?

7 A We have to use the fire fan, we have to
8 go down to the end of the chicken house and open up
9 the door for to put the fan in there. Then the --

10 Q Let me just stop you for a second.
11 We're making a record here and the people who may be
12 reading this record might not be as familiar with
13 catching chickens as people in this room are.

14 A Right.

15 Q So when you say a fire fan, what is
16 that?

17 A The fire fan is the fan that most of
18 the time we use it during the summers, it helps cools
19 off the chickens, helps cools the mens off. But a lot
20 of times sometimes we use it during the winter, it
21 brings out the dust, brings out the dust. And after
22 all that, after you do that, then we bring our pens
23 in.

24 Q Let me just stop you at that point.
25 Who decides whether to use a fire fan or not?

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A00374

Garrison - Brewer

1 A Well, most of the men mostly is, you
2 know, but sometime I decide to use it.

3 Q So you will decide sometimes to use the
4 fan --

5 A Yeah.

6 Q -- or not? If the men want the fan to
7 use --

8 A Yeah, we'll bring it in.

9 Q -- you put it in?

10 A Yeah.

11 Q If they don't want it and you don't
12 think it's necessary, you don't put it in?

13 A If they don't want it and I feel it's
14 necessary, I'll put it in.

15 Q So even if they don't want it and you
16 think it's necessary, you will put it in?

17 A Yes.

18 Q Where is the fire fan, how does it get
19 to the farm where the chickens are?

20 A It gets by one of the drivers will
21 bring it.

22 Q So one of the live haul drivers --

23 A Yes.

24 Q -- that we have identified earlier will
25 bring the fan to the farm?

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A00375

Garrison - Brewer

1 chickens off with for to be able to catch them so they
2 won't run, that's what calls pens.

3 Q And that's also so they don't smother
4 themselves?

5 A Right.

6 Q Okay. Who puts the pens up?

7 A Well, we all do it together, the men,
8 sometime I do it.

9 Q Okay. Do you tell the men where to put
10 them?

11 A Yes.

12 Q Okay. And placing of the pens is going
13 to change from house to house, isn't it?

14 A Yes.

15 Q Okay. So who's the one who makes the
16 decision how the pens should be placed in a particular
17 house?

18 A Well, the men put the pens on the
19 forklift or on top of the cage to transport them to
20 the next house.

21 Q Okay, let me repeat the question. You
22 have gotten to the house, cranked up the water, put
23 the fan in if you have needed it or not, now we're
24 going to put the pens up. You can put pens in a house
25 in lots of different ways?

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A00376

Garrison - Brewer

1 A Right.

2 Q Who makes the decision as to where to
3 put the pens?

4 A I make the decision.

5 Q Okay. As a crew leader, you have
6 responsibility for the safety of the people on your
7 crew, don't you?

8 A Yes.

9 Q Okay. And you also have responsibility
10 for the safety of the property?

11 A Yes.

12 Q And the farmer's property?

13 A Yes.

14 Q Let me just have a minute, please.

15 MR. BREWER: Would you mark this as
16 exhibit 1?

17 (Garrison Exhibit 1, marked for
18 identification.)

19 (Whereupon, there was a discussion held
20 off the record.)

21 BY MR. BREWER:

22 Q Mr. Garrison, I'm showing you a
23 document which has been marked as Exhibit 1 to your
24 deposition; would you take a look at that for a moment
25 and tell me what it is when you're finished reviewing

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A00377

Garrison - Brewer

1 it?

2 A Yes, it's a farm sheet, time sheet.

3 Q Okay.

4 A Farm ticket.

5 Q All right. And up at the top, it says
6 the date?

7 A Uh-huh.

8 Q Who fills that in?

9 A I do.

10 Q The next thing appears to be lot
11 number, what does that mean?

12 A That means the lot of the farm.

13 Q I'm sorry, it means what, sir?

14 A The lot of the farm.

15 Q Okay. And who fills that in?

16 A Dispatcher.

17 Q The dispatcher? And it says load
18 number, what does that refer to?

19 A The load, I mean the number of the
20 load.

21 Q Okay, who fills that in?

22 A Dispatcher.

23 Q All right. Next we see the grower and
24 there's a space there, does that identify the farm
25 that you're going to?

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A00378

Garrison - Brewer

1 A Yes.

2 Q Who fills that in?

3 A I do.

4 Q Then it says houses, and there are a

5 series of blanks with dashes.

6 A Yeah, I fill that out, too.

7 Q Okay. And what does that refer to, how

8 many houses are on the farm?

9 A Yes, how many houses I been in, how

10 many houses I use.

11 Q How many houses you used?

12 A Yes.

13 Q When you say how many houses you used,

14 does that mean how many houses you caught chickens in?

15 A Right.

16 Q Okay. So if the farmer had five houses

17 and you were only directed to pick up chickens from

18 three, would you only list the three that you went

19 into?

20 A Yes.

21 Q You would not list the other two?

22 A No.

23 Q Okay. I just want to make sure I

24 understand. And there's a time started, who finishes

25 that, who fills that in?

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P.O. Box 99 Milford, Delaware 19963

A00379

Garrison - Brewer

1 Q Okay. Let's go to the next series
2 below the line. It says sign present?
3 A Yes.
4 Q And there's a box to check yes or no?
5 A Yes.
6 Q Who checks that box?
7 A I do.
8 Q And what does the sign present mean?
9 A The grower's sign, like might be a
10 Mountaire sign out there as to grower's name.
11 Q All right, so it might be Garrison
12 Farm?
13 A Right.
14 Q And there would be a sign there?
15 A Right.
16 Q And you would check yes, that there was
17 a sign there?
18 A Yes.
19 Q And grower present, who checks that?
20 A I do.
21 Q What does that mean?
22 A That means was the grower there, was
23 the grower there on the farm.
24 Q When you came?
25 A When I came.

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A00380

Garrison - Brewer

1 Q And while you were catching chickens?

2 A Right.

3 Q Okay. DAF's, what is a DAF, sir?

4 A It's like deads, how many deads, that's
5 what it is, deads.

6 Q How many dead chickens were in the
7 house?

8 A Yes, deads prior to catch.

9 Q Prior to the catch?

10 A Prior to the catch.

11 Q Right. Who determines that?

12 A Well, I do.

13 Q You do?

14 A Yes.

15 Q So you will physically then go into the
16 house prior to catching?

17 A Yeah.

18 Q And see --

19 A Yes.

20 Q -- to the best of your ability how many
21 chickens have died?

22 A Yes.

23 Q And will obviously not need to be
24 caught --

25 A Right.

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(302)

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A00381

Garrison - Brewer

1 Q -- because they ain't going anywhere?

2 A Right.

3 Q The fire fan, we have already talked
4 about that, and you will check whether it was used or
5 not --

6 A Yes.

7 Q -- correct? And we talked about that's
8 your decision. Chicken waters, can you tell me what
9 that means?

10 A That means I have to make sure the
11 water is set up for the drivers to water the chickens
12 during hot weather for to cool the chickens off.

13 Q Okay.

14 A That's what that means.

15 Q That's your responsibility to make sure
16 that's set up?

17 A Yes.

18 Q When you say the drivers, are we
19 talking again about the live haul drivers who are
20 watering the chickens?

21 A Yes.

22 Q That generally happens in the summer,
23 does it not?

24 A Yes.

25 Q Feeders up, what does that refer to?

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A00382

Garrison - Brewer

1 A Well, once we -- once we gets to the
2 farm, we have to make sure the feeders is up. If the
3 feeders are not up, if the chickens have been still
4 eating feed, that mean feed is in them and there
5 really ain't supposed to be no feed in them. The
6 feeders supposed to be up a certain time before we
7 catch the chickens.

8 Q Correct.

9 A That's what that is.

10 Q Okay. What happens if the feeders are
11 not up?

12 A Well, a lot of times the feed, the ones
13 that's not up, the trough be empty, you know, it just
14 happen the growers have never got them up. That's
15 what that is.

16 Q Well, do you go and catch those
17 chickens even if the feeders are not up?

18 A No, I have to get up with the growers
19 and say get the feeders up.

20 Q So you have to do that?

21 A Yes.

22 Q If you're out on a farm and the feeders
23 are not up, you have got to get to the grower?

24 A Yes, immediately.

25 Q All right. How about the waters up, is

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(302

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A00383

Garrison - Brewer

1 that the cranking of the water that you talked about
2 earlier?

3 A Yes.

4 Q How about stoves up, what does that
5 mean?

6 A That mean the stoves that they have in
7 the house, the round stoves, make sure they're up.
8 Most of the time, they are up.

9 Q Okay. Tell me what a stove is.

10 A Like a heater, keeps them --

11 Q For the chickens?

12 A -- keeps them warm, yeah.

13 Q And they have to be taken up?

14 A Yes.

15 Q Okay, and that's all prior to catching?

16 A Yes.

17 Q And if the stove is not up, what
18 happens?

19 A I have to get them up.

20 Q You contact the grower to get them up?

21 A Contact the grower. If I can't find
22 him, then I get them up.

23 Q Then you get them up, but the first
24 thing is to go to the grower to get them up?

25 A Yes.

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A00384

Garrison - Brewer

1 Q The next item I see is farm damage, do
2 you check that also?

3 A Yes.

4 Q And tell me how you go about doing
5 that. Before you check the box off, what do you do?

6 A If anything damaged on a farm, I would
7 have to check it and I would have to write the --
8 explain what happened, you know.

9 Q Well, let me give you a few situations.
10 You arrive at a farm, do you walk around the chicken
11 houses to see that there's no damage before you start?

12 A Most of the time like the end of the
13 day, at the end of my day, the end of my work day, if
14 it's something that happened, then I document, I write
15 it down.

16 Q Okay, so prior to starting catching the
17 chickens, you don't look to see whether there's any
18 damage?

19 A Right.

20 Q When you finish catching a particular
21 house, you then --

22 A Right.

23 Q -- take an inspection?

24 A Yes.

25 Q To see if there's damage?

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A00385

Garrison - Brewer

1 damaged; how do you work that out?

2 A What I would do, I would look at it and
3 I can tell whether its been damaged before, and I
4 would let him know.

5 Q Okay.

6 A And I would make sure I get up with my
7 supervisor, let him know what they had said, and let
8 him know what I told him.

9 Q All right. So that's why you don't
10 need to look at it beforehand, because you can tell
11 based on your experience?

12 A Yes.

13 Q All right. There's another entry here
14 that says drive entrance, who fills that out?

15 A I do.

16 Q And it says accept/unaccept; I assume
17 unaccept means unacceptable?

18 A Yes.

19 Q So you will determine whether the
20 entrance to the farm was acceptable or not?

21 A Yes.

22 Q Okay. The house entrances, again, the
23 same thing, acceptable or unacceptable?

24 A Yes.

25 Q That's your determination?

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A00386

Garrison - Brewer

1 A Yes.

2 Q And you fill that out?

3 A Yes.

4 Q Roads loading area, tell me what that
5 means.

6 A Roads loading area, it's where we load
7 a truck at; if it's in good condition, if it's not in
8 good condition when I check it off. If it needs to be
9 disbanded, needs to be wider, I'll complain about
10 that.

11 Q And you make that determination?

12 A Right.

13 Q And you explain it? If it's
14 unacceptable, you explain it?

15 A Yes.

16 Q Litter condition, I think we all know
17 what litter is.

18 A Right.

19 Q I don't think we need to describe that
20 any further. The acceptable or unacceptable, who
21 makes that determination?

22 A I do.

23 Q And then you will check in a box, and
24 again there's a place for you to make an explanation?

25 A Yes.

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A00387

Garrison - Brewer

1 A Yes.

2 Q Let's take a look at the crew leader's
3 general duties, and I'd like to review some of these
4 with you and see if you agree these are the general
5 duties. It is your responsibility to arrive at the
6 farm on time with your crew?

7 MR. MARTIN: He needs to just follow
8 where you are.

9 BY MR. BREWER:

10 Q Okay, sure. Where I am, let me -- if
11 you want to take a moment to review the document --

12 A Go ahead, I got you.

13 Q You got me? All right, I'm on Roman
14 Numeral II where it says, "Crew leader general
15 duties," do you see that?

16 A Uh-huh.

17 Q The first item there is listed as it's
18 the responsibility of the crew leader to arrive at the
19 farm on time, and I assume that's with your crew?

20 A Yes.

21 Q That is a responsibility that the crew
22 leader has?

23 A Yes.

24 Q Okay. It also talks about dividing the
25 house into a minimum of four equal sections?

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10003

A00388

Garrison - Brewer

1 A Yes.

2 Q Deciding how to catch the chickens,
3 where to place the pens and stuff is the crew leader's
4 responsibility?

5 A Yes.

6 Q You're supposed to tell the catchers
7 the number of birds to be placed in each compartment?

8 A Yes.

9 Q That's your job, right?

10 | A Yes.

11 Q You're also responsible for, as it says
12 in item D, to catching birds in place at night, never
13 move the birds into less than 70 percent of the normal
14 floor space; that changes, I would assume, from time
15 to time?

16	A	Excuse me.
----	---	------------

17	Q	Sure.
----	---	-------

18 A I ain't never seen that before.

19 Q You have never seen this document
20 before?

21	A	No.
----	---	-----

22 Q Okay.

23 A Not that, no, I haven't.

24 Q All right.

25	A	No.
----	---	-----

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A00389

Garrison - Brewer

1 Q Well, when it comes to catching the
2 birds, I think we talked about this a little bit
3 before --

4 A Yes.

5 Q -- that's your decision as to how to
6 set up the pens and how you're going to go about doing
7 it?

8 A Yes.

9 Q On page 2 of the document at the top,
10 item E, it says that a crew leader is to continually
11 observe the uncaught birds and prevent smothers; would
12 you agree that that's the responsibility of a crew
13 leader?

14 A Yes.

15 Q Do you also agree that making sure the
16 cages are air stacked uniformly on the trailer, is
17 that your responsibility?

18 A Yes.

19 Q And when you say on the trailer, that's
20 the live haul trailer that we were talking about
21 before?

22 A Yes.

23 Q So you make sure the forklift operator
24 is doing it the right way so they're air stacked
25 appropriately?

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P.O. Box 99 Milford, Delaware 19963

A00390

Garrison - Brewer

1 A Yes.

2 Q Just for purposes again for the record,
3 when we're talking about smothers, we're talking about
4 chickens who have died --

5 A Right.

6 Q -- because they have piled on top of
7 each other and suffocated?

8 A Yes.

9 Q That's what smother refers to?

10 A Yes.

11 Q Item G talks about in the summer making
12 sure the fans are left hanging and so forth, you can
13 read that.

14 A Uh-huh, yes.

15 Q That's also a responsibility the crew
16 leader has?

17 A Yes.

18 Q Okay. It's also the crew leader's
19 responsibility not to load more than the specified
20 number of chickens --

21 A Yes.

22 Q per hole or per cage?

23 A Yes.

24 Q All right. Fill out the farm ticket
25 accurately, we just went through that; you agreed, I

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A00391

Garrison - Brewer

1 believe, that was your responsibility to perform?

2 A Yes.

3 Q And then you're supposed to check with
4 the driver to make sure his load is secure?

5 A Yes.

6 Q Okay. The document goes on to talk
7 about catching methods, talks about night catching,
8 day catching --

9 A Yes.

10 Q -- and so forth, tunnel ventilation and
11 all of those things --

12 A Yes.

13 Q -- these are all responsibilities the
14 crew leader has --

15 A Yes.

16 Q -- to make sure these things are done?

17 A Yes.

18 Q Okay, all right. Now, let me ask you a
19 couple of questions, Mr. Garrison. If I repeat
20 myself, please forgive me. You mentioned before I
21 think that you maintain a crew of seven catchers?

22 A Yes.

23 Q There's also a forklift driver
24 associated with the crew, isn't there?

25 A I don't pick him up.

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A00392

Garrison - Brewer

1 Q No, no, I'm not asking you that, but
2 he's part of the crew?

3 A Yes, he is. Yes, he is.

4 Q And the forklift driver gets to the
5 farm by himself?

6 A Yes.

7 Q So we have then seven catchers and a
8 forklift operator is on a normal catching crew?

9 A Yes.

10 Q Okay. How is it determined who is on
11 your crew?

12 A I picks them up and I writes the names
13 down on my time sheet.

14 Q All right. So in other words, you know
15 the people who are on your crew?

16 A Yes.

17 Q Okay. Are employees ever assigned to
18 your crew that are not normally on your crew?

19 A Repeat that question again.

20 Q Sure. You have a regular crew
21 generally?

22 A Yes.

23 Q Does there come a time when somebody
24 who's not on your crew gets assigned to your crew?

25 A What do you mean assigned? Just using

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A00393

Garrison - Brewer

1 that person that day, is that what you mean?

2 Q Someone who's not normally a member of
3 your crew, have you ever worked with people who are
4 not normally members of your crew?

5 A Yes.

6 Q And how does that happen?

7 A If I need somebody, if I'm
8 short-handed, I can get up with the dispatcher and I
9 would let him know that I need a man. Or if not, I
10 can get up with my supervisor and let him know that I
11 need a man. And what they would do, they would send
12 somebody out there with -- for me and help me catch
13 the chickens.

14 Q Okay. But sometimes you catch them
15 short?

16 A Sometime I do.

17 Q Okay. Now, let me ask you this: You
18 are responsible, we have Exhibit 2 there that you're
19 looking at, you're responsible for ensuring that the
20 catchers, drivers, and the forklift operators follow
21 the procedures that are outlined there?

22 A Yes.

23 Q Okay. And I think you have already
24 talked about how you interact with the growers if the
25 feeders aren't up, and so you're responsible for that?

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A00394

Garrison - Brewer

1 A Yes.

2 Q Okay. You're also responsible for
3 maintaining the full crew, aren't you?

4 A Yes, I am.

5 Q You also have responsibility for
6 maintaining a good relationship with the growers,
7 aren't you?

8 A Yes.

9 Q And you basically are telling the
10 catchers, we went through this, how to go about
11 setting up the house and catching them, and watching
12 for smothers and everything else, right?

13 A Yes.

14 Q Okay, that's fine. All right, now, who
15 hires the catchers?

16 A Doug Lynch.

17 Q Doug Lynch? Okay. Have you ever
18 recommended to Mr. Lynch that a catcher be hired?

19 A Yes.

20 Q And has the catcher been hired?

21 A Sometime. Sometime he not.

22 Q Can you give me the name of catchers
23 that you have recommended to Mr. Lynch who have not
24 been hired?

25 A Yes.

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Garrison - Brewer

1 Q Okay.

2 A I'm trying to think. I mean it's not
3 that many I know of right off. I know the only thing
4 I know maybe one of them, one of them like Woodell
5 Foreman, I recommend him one time, but it's -- he's
6 just been there before and he just didn't hire him
7 back, that's all.

8 Q Let me sort of zero in on this now a
9 little. The time that I'm referring to about
10 referring somebody, that's only since you have been a
11 crew leader, I'm not interested in when you were a
12 catcher, okay? So since you have been a crew leader,
13 you recommended Mr. Foreman?

14 A At one time I have, yes.

15 Q And he had worked at the company
16 previously?

17 A Before, yes.

18 Q And how did he come not to be employed
19 by the company, if you know?

20 A Repeat that.

21 Q Was he fired?

22 A I don't know.

23 Q But he worked before and Mr. Lynch said
24 no?

25 A Right, yes.

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Garrison - Brewer

1 Q How many people have you recommended to
2 Mr. Lynch be hired and he has hired them?

3 A Rough guess, maybe three.

4 Q Three? Okay. Three or four, something
5 like that?

6 A Yes.

7 MR. MARTIN: For the record, he said
8 three.

9 MR. BREWER: He said three, all right.

10 BY MR. BREWER:

11 Q Is it three, or could it be more?

12 A No, definitely couldn't be more.

13 Q How did you go about making that
14 recommendation to Mr. Lynch?

15 A I just asked him that I probably needed
16 another man, and I like you look to hire this guy.

17 Q Okay.

18 A And he asked me just bring him in, get
19 him signed up.

20 Q That's what he told you?

21 A Yeah.

22 Q So in the three cases that we have
23 talked about, you have needed a man, gone to Mr. Lynch
24 and said, "I need a man, and I have this fellow," and
25 you have given him a name, and he has said, "Okay,

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A00397

Garrison - Brewer

1 bring him in, sign him up"?

2 A Uh-huh. Yes.

3 Q We tried to get some information on
4 this before, but let me try this a little bit
5 differently, Mr. Garrison. If somebody in your crew
6 needs to have a day off, okay?

7 A Yes.

8 Q They need to have tomorrow or let's say
9 next Monday off?

10 A Yes.

11 Q And that would make you short a
12 catcher?

13 A Yes.

14 Q How do you go about getting that man's
15 position filled for the Monday, just for the one day?

16 A I would probably try get somebody off
17 another crew.

18 Q Okay. Describe what you would do to
19 make that happen.

20 A I would get up with the crew leader.

21 Q The other crew leader?

22 A Yes. And I would ask him could I use
23 somebody on his crew, if they were available. And he
24 would get back up with me and let me know whether they
25 are or not.

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A00398

Garrison - Brewer

1 Q All right.

2 A You know, sometime I be able to use

3 one, sometimes I can't.

4 Q Okay. And does it ever happen that a

5 crew leader, another crew leader comes to you and

6 says, "I need somebody; can you assign somebody to my

7 crew for Monday?"

8 A Yes.

9 Q All right. And you will make the

10 decision as to whether you can or can't?

11 A Yes.

12 Q Do you decide which person you're going

13 to assign to the other fellah's crew?

14 A Yes.

15 Q Okay. Do catchers sometimes work

16 double shifts?

17 A Yes.

18 Q Tell me how that happens.

19 A It would have to be on the right shift

20 for to be able to do it. What I'm saying is, okay --

21 Q Take your time.

22 A If a catcher on night shift, he would

23 be able to work with somebody on the 1:00 o'clock

24 shift the next day he be off, that's the only way you

25 can do it.

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(302) 4

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A00399

Garrison - Brewer

1 Q Okay. Can you tell a crew member to
2 work a double shift?
3 A I can ask.
4 Q Okay. But you're asking for a person
5 to work maybe 15 or 16 hours?
6 A Yes.
7 Q All right. You don't force them to do
8 that?
9 A No.
10 Q Okay.
11 (Whereupon, there was a discussion held
12 off the record.)
13 (Whereupon, a short recess was taken.)
14 BY MR. BREWER:
15 Q Mr. Garrison, I just have a couple
16 quick questions before I move into another area. Do
17 you know a woman by the name of Donna Mumford?
18 A Yes, I do.
19 Q And whom does she work for?
20 A Mountaire.
21 Q Mountaire? And in what department, do
22 you know?
23 A Accounting.
24 Q All right. Have you ever had occasion
25 to contact her, talk to her?

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A00400

Garrison - Brewer

1 A Yeah, if I need her, I'll talk to her.
2 Q Okay. Why would you need to talk with
3 her?
4 A Personal business of my own.
5 Q That's the only reason?
6 A Roughly, yes.
7 Q Suppose one of your members of your
8 crew thought his paycheck was inappropriate, would you
9 call about that?
10 A No.
11 Q You would not?
12 A No.
13 Q You mentioned that you got promoted to
14 crew leader, who promoted you?
15 A Doug Lynch.
16 Q Doug Lynch? Okay. A couple of other
17 quick questions here. I think we already talked about
18 the fact that you were responsible as a crew leader to
19 interact with the grower --
20 A Yes.
21 Q -- maintain relations? And to maintain
22 a full staffing crew?
23 A Yes.
24 Q Okay. We have talked a little about
25 catching in the houses; there are a number of

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A00401

Garrison - Brewer

1 different kinds of houses that you have to catch in,
2 aren't there?

3 A Yes.

4 Q And depending on the type of house, you
5 will decide how it's to be caught?

6 A Yes.

7 Q Okay. Can you just give us off the top
8 of your head the kinds of houses that we're talking
9 about?

10 A We could be talking about it's a house
11 called double decker, like a house on top of another
12 house.

13 Q Yes.

14 A That's a different way of doing that,
15 catching that house. Then you got another house with
16 poles in it, lines up right in the middle of the
17 house.

18 Q Right.

19 A And some of them poles, the length are
20 smaller than other pole houses so it's a different way
21 of going through that house. Then you got another
22 house called a wide span, clear span they call it, you
23 can just go right through them. That's the difference
24 in the houses.

25 Q And those are basically the three you

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A00402

Garrison - Brewer

1 have?

2 A Plus there's another house that we call
3 a walk-out, it's the narrow houses that forklifts
4 drivers can't go in, you had to catch them and walk
5 them outside and put them in the cage.

6 Q Okay, that's four. You don't really
7 have any more triple deckers, do you?

8 A No.

9 Q You used to, though?

10 A Years ago.

11 Q Yeah, years ago. And with those
12 houses, you will decide how you want to go about
13 getting those chickens caught?

14 A Yes.

15 Q I think you mentioned this also, but I
16 just want to be clear: The live haul drivers, you
17 instruct them as to where to put the trucks so the
18 forklift guy can load them?

19 A Yes.

20 Q We'll get into this in a moment, but
21 you do approve vacations, don't you?

22 A Repeat that again.

23 Q You do approve vacations for the people
24 on your crew, don't you?

25 A No, I don't.

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A00403

Garrison - Brewer

1 Q You don't?

2 A Oh, you talking approve? Yes, I do,
3 yes, yes, I'm sorry.

4 Q We'll go through some documents on
5 that.

6 A Yes.

7 Q Okay. Let me give you, and this is a
8 stack, here's one for you, and there's one for you, it
9 will be Number 3.

10 (Garrison Exhibit 3, marked for
11 identification.)

12 BY MR. BREWER:

13 Q Mr. Garrison, I'm going to ask the
14 court reporter give that to you, this is a series of
15 pages, as you can see, and we'll try to go through
16 these quickly. The document at the first page says
17 its a Mountaire Farms time off request form; are you
18 familiar with this kind of a document?

19 A Yes, I am.

20 Q Okay. The name on top in the first
21 document is a Mr. Bagwell.

22 A Yes.

23 Q Okay. Do you know him?

24 A Yes, I do.

25 Q Did he work for you?

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A00404

Garrison - Brewer

1 Q And it says money only, what does that
2 mean?

3 A He's not taking --- he's going to keep
4 working, he just wants his money.

5 Q He wants his money but he'll work for
6 the day?

7 A Still want to work.

8 Q Down at the bottom, is that your
9 signature where it says foreman approved?

10 A Yes, it is.

11 Q Okay. The next page, it's a Donald
12 Garrison.

13 A Yes.

14 Q Is he related to you?

15 A Yes.

16 Q How is he related?

17 A Brother.

18 Q Brother, okay. And he's asking also
19 for a floating holiday, money only?

20 A Yes.

21 Q And you approved that?

22 A Yes, I did.

23 Q Okay. Next page is a Henry Harmon?

24 A Yes.

25 Q I'm sorry, on Garrison, the approval of

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A00405

Garrison - Brewer

1 Q Sure. A member of your crew --
2 A Yes.
3 Q -- wants to take a day off --
4 A Right.
5 Q -- during the week.
6 A Yes.
7 Q But he doesn't want to be paid for it,
8 he just wants the day off without pay.
9 A He's not going to get paid if you don't
10 work.
11 Q No, no, I understand that. What I'm
12 saying is let's assume I'm a member of your crew.
13 A Yes.
14 Q And I come to you and I say, "I would
15 like to be off on Monday, I don't want to be paid."
16 A Right.
17 Q "But I want the day off on Monday," can
18 that happen?
19 A Yeah, he can take off.
20 Q He can take off without being paid?
21 A Right.
22 Q Do you have to approve that?
23 A Yes.
24 Q Okay. And if I just don't show up on
25 Monday, I tell you I want the day off and I don't

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A00406

Garrison - Brewer

1 expect to be paid, I don't show up and you don't
2 approve it, does anything happen to me?

3 A Repeat one more time.

4 Q Sure. If I ask you for Monday off,
5 today being Friday, and I tell you, "Mr. Garrison,"
6 I'm a member of your crew, "I would like to be off on
7 Monday."

8 A Yes.

9 Q "I don't expect to be paid, I don't
10 want to be paid, but I just need the day off."

11 A Right.

12 Q And you tell me no, okay? You tell me
13 no, I can't do that --

14 A Right.

15 Q -- okay? And I don't show up to work
16 on Monday, does anything happen to me?

17 A Yeah, he's supposed to be written up.

18 Q Okay, who writes them up?

19 A I do.

20 Q Tell me what happens, to the best of
21 your knowledge, based on your experience, what happens
22 if a catcher is injured while working on a farm
23 catching chickens, hurts himself?

24 A Well, we sends him in with a truck
25 immediately.

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(302) 4

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Milford, Delaware -----

A00407

Garrison - Brewer

1 Q I'm sorry, which men do you send?
2 A If one of the catcher hurt theirselves --
3 Q Yes.
4 A -- his hand, something like that, we
5 would send them to the nurse.
6 Q Who will send him to the nurse?
7 A I would.
8 Q How do you do that?
9 A I let him go in with the truck driver.
10 Q Okay.
11 A Most of the times.
12 Q Go back to the plant?
13 A Yes.
14 Q Suppose it's a serious injury?
15 A Well, if it real serious, either I
16 would have to take him or call the ambulance.
17 Q Call 911?
18 A Yes.
19 Q Somebody, God forbid, had a heart
20 attack?
21 A Yes.
22 Q You wouldn't just wait for a truck,
23 you'd take care of it yourself?
24 A Yes.
25 Q Okay. That's your decisions to make?

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A00408

Garrison - Brewer

1 believe you said --

2 A Yes.

3 Q -- have always been the same?

4 A Yes.

5 Q Okay, let's go to the next -- before we
6 get into the next area, when you are out there with
7 your crews, catching, do the employees get a time to
8 take a break?

9 A Yes.

10 Q All right. Who decides who gets to
11 break when?

12 A I do.

13 Q Okay. Do the employees get a lunch
14 period?

15 A Yes.

16 Q And who decides when that lunch period
17 is going to be taken?

18 A I do.

19 Q This would be not quite as long as the
20 other one, this will be Number 5, please.

21 (Garrison Exhibit 5, marked for
22 identification.)

23 BY MR. BREWER:

24 Q Mr. Garrison, the court reporter has
25 given you what's been marked for identification as

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A00409

Garrison - Brewer

1 Exhibit Number 5 to your deposition.

2 A Uh-huh.

3 Q Can you tell me on the first page whose
4 handwriting this is?

5 A Mine's.

6 Q All right. First of all, there's a
7 date and I believe the date is June 2nd, '03?

8 A Yes, it is.

9 Q What's the name of the person?

10 A Jasper Smith.

11 Q Who is Mr. Smith?

12 A He was one of my workers.

13 Q One of your catchers?

14 A Yes, he was.

15 Q On your crew?

16 A Yes.

17 Q And what does this document show?

18 A I was saying that he should let me know
19 when he's going to take off or call.

20 Q Okay.

21 A That's what I was saying.

22 Q You're giving him disciplinary action,
23 are you not?

24 A Yes.

25 Q If you go down just above the signature

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A00410

Garrison - Brewer

1 line, and I'll read this, it says, "I have read this
2 warning and understand the above violation. I
3 understand that disregard of company policies could
4 result in disciplinary action up to and including
5 discharge." And then it continues, but it continues
6 in Spanish.

7 A Yes.

8 Q So this is a disciplinary write-up that
9 you gave to Mr. Smith?

10 A Yes.

11 Q And the reason is it says here he was
12 not home when you went to pick him up and he did not
13 call you?

14 A Yes.

15 Q So if he's not going to be available,
16 he's supposed to call you?

17 A Yes.

18 Q And he did not?

19 A Yes.

20 Q That's a violation of the company
21 rules?

22 A Yes, it is.

23 Q Am I reading this correctly that this
24 is the second violation --

25 A Yes.

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Garrison - Brewer

1 Q -- you circled? And Mr. Smith signed
2 it --

3 A Yes.

4 Q -- correct? And that is your signature
5 where it says supervisor?

6 A Yes.

7 Q Okay. Page 2 of this is Mr. Smith
8 again; is this the same Mr. Smith that was on your
9 crew?

10 A Yes.

11 Q All right. And is this again a
12 disciplinary warning that you have given Mr. Smith?

13 A Yes.

14 Q And what did he do that he shouldn't
15 have done?

16 A Repeat that question.

17 Q What did Mr. Smith do that he shouldn't
18 have done?

19 A Didn't work.

20 Q Okay. Well, this is your handwriting,
21 sir?

22 A Yes.

23 Q Does it say he should let you know when
24 he takes off or call?

25 A Yes.

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A00412

Garrison - Brewer

1 Q And he was not at home when you went to
2 pick him up?

3 A Yes.

4 Q And this is on May 30th of '03?

5 A Yes.

6 Q And the one we looked at before was
7 June 2nd of '03?

8 A Yeah.

9 Q So this was his first violation?

10 A Yes.

11 Q And the one on June 30th was his second
12 violation?

13 A Yes.

14 Q Now, going back to the next sheet, it's
15 dated May 29, '03.

16 A Yes.

17 Q This is your handwriting?

18 A Yes, it is.

19 Q And this is Mr. Smith again?

20 A Yes.

21 Q This is the same Mr. Smith that we have
22 talked about before in the other two documents?

23 A Yes.

24 Q What did he do here?

25 A The same thing.

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A00413

Garrison - Brewer

1 Q Okay. And this was an oral warning,
2 though?

3 A Yes.

4 Q So you had first given him an oral
5 warning about discipline?

6 A Yes.

7 Q Then you had given him a second
8 warning?

9 A Yes.

10 Q A first warning and then a second
11 warning?

12 A Yes.

13 Q Okay. Whatever happened to Mr. Smith?

14 A Still work.

15 Q Still working? So you were able to
16 straighten him out?

17 MR. MARTIN: Objection to the form of
18 the question.

19 MR. BREWER: Okay.

20 THE WITNESS: I mean --

21 BY MR. MARTIN:

22 Q He's still working?

23 A He still work, you know.

24 Q When did you leave the company?

25 A I left the company on my vacation. I

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Garrison - Brewer

1 left sometime the last of -- I think it was sometime
2 in August.

3 Q Of '04?

4 A Yes.

5 Q Okay. So from the time of June 2nd,
6 '03 when you gave Mr. Smith his second warning, he
7 continued to work for you and your crew?

8 A Yes.

9 Q Okay. And you didn't have any problems
10 with him about not calling in and being at home when
11 you picked him up?

12 A No.

13 Q Okay. The next one is a Mr. Clarence
14 Heath.

15 A Yes.

16 Q And tell me what this document is.

17 A Being work on time.

18 Q Okay. Is this your handwriting, sir,
19 on this page?

20 A Yes, it is.

21 Q And read what the violation is.

22 A "Clarence was late for work. He came
23 to the second stop but I told him that I did not need
24 him, we went -- that we were just about done.
25 Unexcused."

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(302

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A00415

Garrison - Brewer

1 Q And I see the third is circled?
2 A Yes.
3 Q And did you circle that?
4 A No, I didn't circle it.
5 Q You didn't circle the number 3?
6 A No.
7 Q Do you know who did?
8 A No, I don't. I didn't circle it.
9 Q But all the other writing on here is
10 yours except where it says employee's signature?
11 A Yes.
12 Q Okay. And then I'm looking at another
13 document, it's again Mr. Heath; is this your
14 handwriting?
15 A Yes, it is.
16 Q Can you tell me what the violation
17 reads?
18 A "Clarence did not work on the day
19 because he say he has something to do. Unexcused."
20 Q And I see second is circled?
21 A Yes.
22 Q Did you circle that?
23 A No, I don't. No, I didn't.
24 Q Okay, do you have any idea who did?
25 A No, I don't.

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(3

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A00416